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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Relates To: *Hepting, et al. v. AT&T Corp., et al.*, No. C 06-0672-VRW	)	**No. M:06-CV-01791-VRW** **SUBMISSION OF PROPOSED ORDER** Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

The United States, through its undersigned counsel, hereby submits the attached proposed Order listing the materials submitted to the Court *ex parte, in camera*, in the *Hepting* action and providing for their continued availability to the Court in the *Hepting* action and to judges for the Court of Appeals assigned to an appeal in the *Hepting* action. This proposed Order has been agreed upon as to form by counsel for the Plaintiffs and the Defendants in the

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Hepting action. *See* Declaration of Anthony J. Coppolino (attached to proposed Order)

Respectfully Submitted,

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The United States has lodged with the Court in the *Hepting* action (C 06-672 N.D. Cal.) (VRW) the following classified materials for the Court's *in camera*, *ex parte* consideration:

Lodged on May 13, 2006:

(1) *In Camera*, *Ex Parte* Memorandum of the United States in Support of the Military and State Secrets Privilege and Motion to Dismiss or, in the Alternative, for Summary Judgment.

(2) *In Camera*, *Ex Parte* Declaration of John D. Negroponte, Director of National Intelligence.

(3) *In Camera*, *Ex Parte* Declaration of Lieutenant General Keith B. Alexander, Director, National Security Agency.

See United States' Notice of Lodging *Ex Parte, In Camera* Material (Docket No. 125) (5/13/06)

Lodged on June 16, 2006:

(1) *In Camera*, *Ex Parte* Reply in Support of the United States' Assertion of the Military and State Secrets Privilege and Motion to Dismiss or, in the Alternative, for Summary Judgment.

(2) *In Camera*, *Ex Parte* Supplemental Declaration of John D. Negroponte, Director of National Intelligence.

(3) *In Camera*, *Ex Parte* Supplemental Declaration of William B. Black, Acting Director, National Security Agency.

See United States' Notice of Lodging *Ex Parte, In Camera* Material (Docket No. 246) (6/16/06).

Lodged on July 31, 2006:

In Camera, *Ex Parte* Response to the Court's Order that the parties provide their "views regarding the means by which the court should review any future classified submission."

See United States' Notice of Lodging *Ex Parte, In Camera* Material (Docket No. 316) (7/31/06).

* * *

It is hereby ORDERED that the foregoing documents are part of the record in the *Hepting* action and, during the pendency of that action, shall be preserved in the custody of the United States and stored in a secure location in Washington, D.C. by the Litigation Security Section of the Department of Justice; and it is

FURTHER ORDERED THAT, during the pendency of the *Hepting* action, the foregoing documents will be made available to this Court as necessary for any future consideration or use in *Hepting,* and will also be made available to the judges of the United States Court of Appeals for the Ninth Circuit assigned to an appeal in the *Hepting* action as necessary for their appellate review.

SO ORDERED:

Dated: ___________________

____
HON. VAUGHN R. WALKER
United States District Chief Judge

DECLARATION OF ANTHONY J. COPPOLINO

I, ANTHONY J. COPPOLINO, counsel of record for the United States in the *Hepting* action, hereby declare that I have obtained approval as to form for the foregoing proposed Order from the other signatories listed below (counsel in the *Hepting* action). In addition, pursuant to General Order 45, §X.B, I have obtained concurrence to file this document from the other signatories listed below. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2006, at Washington, D.C.

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